

REMARKS

Claims 31-43, 46-51, 53-60, and 62-76 are amended. No claims are added or canceled. In view of the prior cancellation of claims 1-30, 52 and 80, after entry of this Amendment, claims 31-51, 53-79, and 81-88 will remain pending in this application.

In connection with the submission of this Amendment, the Applicant would like to thank the Examiner for the courtesy extended during the Interview, which was conducted by telephone on March 28, 2011. The Applicant confirms that the Interview Summary Record for that Interview, which is dated April 4, 2011, accurately reflects the substance of the Interview.

In the Office Action dated March 3, 2011, the Examiner rejected claims 31-36, 38-51, 53-54, 56-79, and 81-88 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0220978 to Rhodes in view of "Recommendations for generating Message IDs" by Matt Curtin (hereinafter Curtin). The Applicant respectfully disagrees with each of these rejections and, therefore, respectfully traverses the same.

The claims in the present patent application are distinguishable from the references relied upon by the Examiner because they recite, methods and a system where, among other features, first identification data is generated, from at least a portion of a first electronic message for an intended recipient, the first identification data uniquely identifying the first electronic message and also subsequent (or second) identification data is generated from at least a portion of a subsequent (or second) electronic message for the intended recipient, the subsequent identification data uniquely identifying the subsequent (or second) electronic message and distinguishing the subsequent (or second) electronic message from other electronic messages authorized by said originator for the intended recipient. Neither of the references relied upon by the Examiner combine at least these features as recited by the claims of the present patent application. As a result, the Applicant respectfully submits that the claims of the present patent application are patentable thereover.

As noted in the Applicant's prior response, Rhodes describes a system and method for message sender validation. The system and method described by Rhodes is based upon the premise that:

Messages from an unrecognized sender are quarantined until the message-designated **sender complies with a challenge protocol**. Once a sender has complied with the challenge protocol, **the sender is included in an inclusion list** maintained for the message-designated recipient ID.

(Rhodes at paragraph [0014] (emphases added).) In other words, Rhodes describes a method and system whereby a “white list” is created by the recipient.

As identified in the Specification of the present patent application, the development of white lists is an effective tool for reducing the quantity of unwanted e-mail traffic. (See, e.g., U.S. Patent Application Publication No. 2005/0210106 (hereinafter “the ‘106 Publication”) (the publication of the present application) at paragraphs [0018] – [0019].) However, as also identified in the Specification, white lists have drawbacks. Specifically, spam e-mail generators are able to bypass both blacklists and whitelists by spoofing an originator’s legitimate domain name. (See the ‘106 Publication at paragraph [0022].) As detailed in the present application, the method and system of the present application undermines an originator’s ability to spoof a domain name.

To reduce the volume of unwanted e-mail traffic, Rhodes relies upon a sender verification protocol (or “SVP”) that is implemented in one or more message transport pathways, such as SVP 104 in mail server 102 and SVP 114 in the mail client 113. (Rhodes at paragraph [0026].) SVPs 104 and 114 implement processes that interrupt or postpone delivery of e-mail until the message sender passes a user-configurable challenge. (Rhodes at paragraph [0026].) Once the sender has passed the challenge, the sender’s identification is added to an inclusion list. (Rhodes at paragraph [0026].) **Subsequent messages will bypass the challenge protocol**. (Rhodes at paragraph [0026] (emphasis added).) Again, as understood, and as discussed in the reference, Rhodes is directed to the generation of a whitelist, which the present invention improves upon.

Rhodes also describes that senders who are using a sender verification protocol (SVP) in accordance with that invention will include an Originator Key value in the message body. (Rhodes at paragraph [0041].) The Originator Key is a string of a few characters or bytes of

sufficient length to **uniquely identify the user**. (Rhodes at paragraph [0041].) This string may be a word, symbol, or code that is identified with the sender. (Rhodes at paragraph [0041].) The Originator Key is included in all outgoing messages generated by users that are using the invention described by Rhodes. (Rhodes at paragraph [0041].) An Originator Key that is associated with a single user will authenticate that the source of a message is that specific user. (Rhodes at paragraph [0041].) An Originator Key associated with an organization will indicate that the message originated with a member of that organization. (Rhodes at paragraph [0041].)

As described in Rhodes, the Originator Key is included in a challenge e-mail. (Rhodes at paragraph [0042].) The Originator Key prevents a “deadlock” or a “livelock” condition, where both the sender and the recipient use SVP protocols. (Rhodes at paragraph [0042].) In the case where the sender is not trusted, but the message includes an Originator Key, the authenticity of the challenge message is recognized. (Rhodes at paragraph [0050].) As a result, the challenge message, which requires input from the sender to pass the challenge (as noted above), is allowed to pass through the protocol, even though the sender is not yet a “trusted” sender. (Rhodes at paragraph [0050].) Importantly, the Originator Key is the **same** for each message generated by the sender. (Rhodes at paragraph [0041].) The Originator Key is **not** unique for each message. Nor is the Originator Key generated from any portion of the message.

With this in mind, the Applicant returns the Examiner’s attention to the claims in the present patent application. Each of the claims, by virtue of their dependencies from independent claims, includes the recitation of generating first identification data, from at least a portion of a first electronic message for an intended recipient, where the first identification data uniquely identifies the first electronic message and also generating subsequent (or second) identification data, from at least a portion of a subsequent (or second) electronic message for the intended recipient, where the subsequent identification data uniquely identifies the subsequent (or second) electronic message and distinguishes the subsequent (or second) electronic message from other electronic messages authorized by said originator for the intended recipient. As is apparent from the foregoing discussion, Rhodes fails to discuss or suggest any method or system that includes identification data that uniquely identifies electronic messages or distinguishes the electronic

messages from other electronic messages authorized by an originator. Moreover, Rhodes fails to describe or suggest any method or system where the identification data is generated from at least a portion of the electronic message (whether first or otherwise).

As discussed above, where Rhodes relies upon an Originator Key, the Originator Key does not uniquely identify the electronic message. Instead, the Originator Key uniquely identifies the sender (or the organization to which the sender is affiliated). Next, the Originator Key is the same for every message from the sender, which means that it does not distinguish electronic messages from other electronic messages from the same sender. Finally, the Originator Key has no relation to any part of the message. As a result, the Applicant respectfully submits that Rhodes fails as a reference upon which to base any rejection of the claims for obviousness.

Curtin does not assist the Examiner with a rejection of the claims, because Curtin does not cure the deficiencies noted with respect to Rhodes. As a result, the combination of Rhodes and Curtin cannot render, as obvious, any of the claims in the present patent application.

Curtin provides recommendations on how to generate globally unique Message IDs in client software. (Curtin at page 1 at the Abstract.) A Message ID is defined according to the formula: message-id = “ local-part “@” domain “>”. (Curtin at page 2, at Section 2.) According to Curtin, the most popular way of generating local parts of the Message ID is to use the date and time plus some way to distinguish between simultaneous postings on the same host (e.g., a process number), and encode them in a suitably-restricted alphabet. (Curtin at page 3, at Section 3.2.) One approach to generating the local part of the Message ID is to generate a hash of the message and use that after the time stamp. (Curtin at page 4, at Section 3.2.3.) It is noted that the use of a hash function may result in Message ID collision (*i.e.*, duplication of numbers), which is understood to undermine the effectiveness of this approach. (Curtin at page 4, at Section 3.2.3.)

Even if those skilled in the art understood Curtin to teach the generation of a unique identifier for a message (which the Applicant does not concede), the combination of Curtin and Rhodes would not lead those skilled in the art the present invention.

As noted above, Rhodes relies upon a sender verification protocol (or “SVP”) 104, 114 that interrupt or postpone delivery of e-mail until the message sender passes a user-configurable challenge. (Rhodes at paragraph [0026].) Once the sender has passed the challenge, the sender’s identification is added to an inclusion list. (Rhodes at paragraph [0026].) **Subsequent messages will bypass the challenge protocol.** (Rhodes at paragraph [0026] (emphasis added).)

Rhodes fails to discuss or suggest any method or system that includes first identification data that uniquely identifies a first electronic message and subsequent identification data that uniquely identifies subsequent electronic messages and distinguishes the subsequent electronic messages from other electronic messages authorized by an originator. Moreover, Rhodes fails to describe or suggest any method or system where identification data (whether first or subsequent) is generated from at least a portion of the electronic message. In addition, Rhodes relies upon an Originator Key, the Originator Key does not uniquely identify the electronic message. Instead, the Originator Key uniquely identifies the sender (or the organization to which the sender is affiliated). Next, the Originator Key is the same for every message from the sender, which means that it does not distinguish electronic messages from other electronic messages from the same sender. At least for these reasons, the Applicant respectfully submits that the reference is wholly inadequate as a primary reference upon which to base a rejection of the claims in the present patent application.

Curtin does not encompass any discussion or teaching that would encourage those skilled in the art to generate first identification data, from at least a portion of a first electronic message for an intended recipient, where the first identification data uniquely identifies the first electronic message and also to generate subsequent (or second) identification data, from at least a portion of a subsequent (or second) electronic message for the intended recipient, where the subsequent identification data uniquely identifies the subsequent (or second) electronic message and distinguishing the subsequent (or second) electronic message from other electronic messages authorized by said originator for the intended recipient. Since Rhodes fails to address at least these features, without any suggestion from Curtin for these features, the combination of these references cannot be said to render obvious any of the claims in the present patent application.

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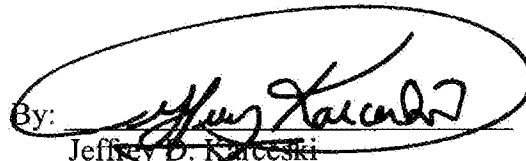
In view of the foregoing, the Applicant respectfully submits that the references cannot be combined in the manner suggested by the Examiner to render obvious any of the claims in the present patent application. As a result, the Applicant respectfully requests that the Examiner reconsider the rejection of the claims, withdraw the rejection, and pass this application to issuance.

If there are any fees required for this submission that are not otherwise accounted for, please charge Deposit Account No. 50-2127. In addition, please credit any overpayments to the same Deposit Account.

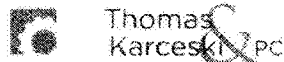
Respectfully submitted,

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